

The opinion in support of the decision being entered today was not written
for publication and is not binding precedent of the Board.

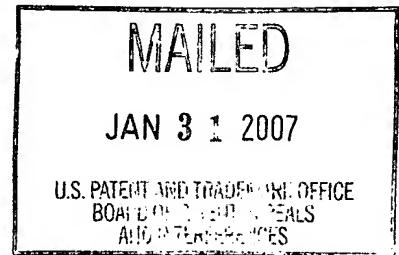
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte SIEGFRIED FICHTNER, JURGEN HOFMANN,
KARL MUSSIG, and DANIEL VERHOEVEN

Appeal No. 2006-2534
Application No. 10/789,411

HEARD: JANUARY 9, 2007



Before RUGGIERO, SAADAT, and HOMERE, Administrative Patent Judges.

SAADAT, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 1 and 15. Claims 4-13 have been allowed and claims 2, 3 and 14 have been objected to by the Examiner as being dependent upon a rejected base claim, but indicated as allowable if rewritten in independent form including all of the limitations of their base claim.

We affirm.

BACKGROUND

Appellants' invention is directed to an electric machine including a rotor having a laminated rotor core which is mounted onto a shaft. According to Appellants, the rotor core has opposite end surfaces for attachment of a plate in such a manner as to allow an axial movement of the laminations in the area of the plate. An understanding of the invention can be derived from a reading of exemplary independent claim 1 which is reproduced as follows:

1. An electric machine, comprising:

a shaft; and

a rotor core mounted onto the shaft and formed of a plurality of stacked laminations, said rotor core having opposite end surfaces for attachment of a plate in such a manner as to allow an axial deflection of the laminations in the area of the plate, said plate having a rotor core distal planar outer surface and extending to an area of the shaft.

The Examiner relies on the following reference in rejecting the claims:

Carlson

2,421,115

May 27, 1947

Claims 1 and 15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Carlson.

Rather than reiterate the opposing arguments, reference is made to the briefs and answer for the respective positions of Appellants and the Examiner. Only those arguments actually made by Appellants have been considered in this decision. Arguments which Appellants could have made but chose not to make in the briefs have not been considered (37 CFR § 41.37(c)(1)(vii)).

OPINION

In rejecting the claims, the Examiner refers to Figures 1 and 2 of Carlson and reads the claimed stacked laminations on laminations 11 and the recited plate on washers 13 and 14, which are attached to the end surfaces of the rotor core and allow an axial deflection of the laminations in the area of the plate (answer, page 3). To show the plate extending to an area of the shaft, the Examiner further relies on Figure 4 depicting washers 13 and 14 extending to an area of the shaft since they are shown to bite into the shaft at region 18 (id.).

Appellants argue that the washers in Carlson are not attached to the end surface of the rotor core and instead, are placed against the fiber discs 12 which are not a part of the rotor core (brief, pages 4 and 5). To further distinguish the claims over Carlson, Appellants point out that the claimed plate can be sized to extend shy of the outer shaft surface and does not necessary need to be sized to bear upon the shaft as the washers of Carlson do (brief, paragraph bridging pages 4-5).

The Examiner responds by stating that Carlson (col. 2, lines 14-16) describes the rotor core as having a core thereon comprising a series of laminations 11 located between fiber discs 12, which clearly makes the fiber discs a part of the core (answer, page 4). The Examiner further argues that independent claim 1 recites the rotor core as being formed of a plurality of stacked laminations and does not exclude other elements, which are not laminations, from being considered as part of the core (id.). The Examiner also asserts that washers 13 and 14 further

meet the claimed plate since the inner radial side of the washer extends radially inward to an area of the shaft to contact the shaft (answer, page 7).

A rejection for anticipation under section 102 requires that the four corners of a single prior art document describe every element of the claimed invention, either expressly or inherently, such that a person of ordinary skill in the art could practice the invention without undue experimentation. See Atlas Powder Co. v. IRECO Inc., 190 F.3d 1342, 1347, 51 USPQ2d 1943, 1947 (Fed. Cir. 1999); In re Paulsen, 30 F.3d 1475, 1478-79, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994). The inquiry as to whether a reference anticipates a claim must focus on what subject matter is encompassed by the claim and what subject matter is described by the reference. As set forth by the court in Kalman v. Kimberly-Clark Corp., 713 F.2d 760, 772, 218 USPQ 781, 789 (Fed. Cir. 1983), it is only necessary for the claims to “read on” something disclosed in the prior art reference, i.e., all limitations of the claim are found in the reference, or “fully met” by it. See also Atlas Powder Co. v. IRECO Inc., 190 F.3d at 1346, 51 USPQ2d at 1945 (Fed. Cir. 1999) (quoting Titanium Metals Corp. v. Banner, 778 F.2d 775, 781, 227 USPQ 773, 778 (Fed. Cir. 1985)).

In determining the subject matter encompassed by claim 1, we agree with the Examiner that the claim merely requires that the rotor core be formed of a plurality of stacked laminations without excluding other layers or material as part of the rotor core. In that regard, as acknowledged by Appellants (brief, page 4), the washers of Carlson are attached to the end surfaces of the rotor core through fiber discs 12, which are indeed a part of the rotor core

construct. We also observe that Carlson defines fiber discs 12 as optional since flat washers are described to be interposed between the end laminations or the fiber discs 12 and the cupped washers 13 and 14 (col. 3, lines 29-34). Similarly, we remain unconvinced by Appellants' argument that because dependent claim 15 requires that the inner diameter of the plate bear upon the shaft, claim 1 should be construed in the opposite way such that the plate extends shy of the outer surface of the shaft (brief, page 4). The independent claim merely requires the plate to extend to an area of the shaft without specifying the manner in which it contacts the shaft.

We also find that the Examiner reasonably interprets (answer, pages 5 and 6) the claimed feature "to allow an axial deflection of the laminations in the area of the plate" as springing apart of the laminations of Carlson once the pressure of the press released after inserting the washers. Carlson describes the way the laminations tend to open up as exerting force on the washers is removed, which in effect, allows an axial deflection of the laminations along the shaft where the washers are inserted.

Contrary to Appellants' arguments that the washers actually prevent the axial deflection (brief, page 6; reply brief, page 3; oral arguments), their placement does indeed allow the pressed laminations to spring apart to the extent the washers are placed. We also decline to read into the claims limitations that are beyond the scope of the recited features and agree with the Examiner that the washers in Carlson actually allow for deflection of the laminations inwardly and springing apart by virtue of their placement onto the shaft.

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Therefore, to the extent claimed, Carlson describes every feature of claim 1 including the plate attached to the end surfaces of the rotor core laminations such that an axial deflection of the laminations is allowed. In view of the discussion above, we find that Carlson does disclose all the claimed limitations and therefore, prima facie anticipates the claimed subject matter. Accordingly, the 35 U.S.C. § 102 rejection of claim 1, as well as claim 15, argued together as one group, over Carlson is sustained.

CONCLUSION

In view of the foregoing, the decision of the Examiner rejecting claims 1 and 15 under 35 U.S.C. § 102 is affirmed.

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No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a)(1)(iv).

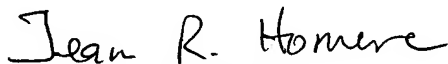
AFFIRMED



JOSEPH F. RUGGIERO
Administrative Patent Judge



MAHSHID D. SAADAT
Administrative Patent Judge



JEAN R. HOMERE
Administrative Patent Judge

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